

1 motion filed by all defendants (in all capacities) for an extension of time to answer or otherwise
2 respond to plaintiffs' complaint no later than April 3, 2009. See Doc # 17.

3 3. On April 3, 2009, I spoke with counsel for the plaintiffs, Kevin Bankston, to seek
4 plaintiffs' agreement to a stipulation regarding the timing for the individual capacity defendants
5 to answer or otherwise respond to their complaint. Specifically, I asked Mr. Bankston if
6 plaintiffs would agree to stipulate that the individual capacity defendants would not be required
7 to answer or otherwise respond to plaintiffs' complaint until after the issues identified in the
8 "Government Defendants' Motion to Dismiss and for Summary Judgment" filed by the federal
9 agency and official capacity defendants (collectively referred to as the "United States") on this
10 same date, including a determination that plaintiffs have standing to proceed in this action, have
11 been resolved.

12 4. I informed Mr. Bankston that the parties had entered into a similar stipulation in
13 the case of Al-Haramain Islamic Found., Inc. v. Bush, No. 07-109 VRW (N.D. Cal.), which is
14 also pending before this Court and related to this action.

15 5. Mr. Bankston has stated that plaintiffs would not agree to the individual capacity
16 defendants' proposed stipulation. Plaintiffs' counsel further indicated that plaintiffs likely would
17 oppose the individual capacity defendants' "Motion for Administrative Relief to Enlarge the
18 Time to Answer or Otherwise Respond to Plaintiffs' Complaint."

19 6. As set forth in the accompanying motion, the individual capacity defendants
20 request an enlargement so that the issues raised in the "Government Defendants' Motion to
21 Dismiss and for Summary Judgment," including that of plaintiffs' standing to bring suit, can first
22 be resolved.

1 I declare under penalty of perjury that the foregoing declaration is true and correct.

2 Executed on April 3, 2009, in the City of Washington, District of Columbia.

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5 /s/ James R. Whitman
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Alberto R. Gonzales, and John D. Ashcroft,
in their individual capacity